

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

ALTAGRACIA J. PEGUERO,

Plaintiff,

v.

AMERICAN EXPRESS COMPANY,  
THE SKLOVER GROUP, INC., and  
FEDERAL INSURANCE COMPANY,

Defendants.

Civil Action No. 05-10995-RCL

AMERICAN EXPRESS COMPANY,

Third-Party Plaintiff,

v.

HEALTHEXTRAS, LLC,

Third-Party Defendant.

**DEFENDANT AMERICAN EXPRESS COMPANY'S  
MOTION FOR PROTECTIVE ORDER**

Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, Defendant American Express Company ("American Express") hereby moves for a protective order limiting the scope of discovery sought from it by Plaintiff Altagracia Peguero. The discovery requests that Plaintiff served on American Express seek information that is irrelevant to any claim or defense in this action.<sup>1</sup> Plaintiff served virtually identical discovery requests upon Defendant HealthExtras, Inc.

<sup>1</sup> On January 4, 2006, Plaintiff served on American Express a 30-paragraph document request. On July 28, 2006, Plaintiff served on American Express a deposition notice pursuant to Federal Rule of Civil Procedure 30(b)(6), proposing to examine American Express on 16 enumerated subjects and attaching an additional list of 30 "Document Requests," though these requests are largely duplicative of Plaintiff's initial document demands. Attached as Exhibits A is American Express's responses to Plaintiff's document requests and attached as Exhibit B is American Express's response to this notice. In addition, plaintiff's discovery requests seek confidential information concerning American Express cardmembers other than plaintiff.

("HealthExtras"). In response, HealthExtra filed a Motion For Protective Order on October 5, 2006. Given the similarity of the discovery requests served upon the defendants, American Express incorporates and adopts the facts and legal arguments set forth in HealthExtras' motion and joins in the relief requested therein.

Respectfully Submitted,

AMERICAN EXPRESS COMPANY,

By its attorneys:

/s/ John F. Farraher, Jr.  
John F. Farraher, Jr., BBO # 568194  
GREENBERG TRAURIG, LLP  
One International Place, 20th Floor  
Boston, Massachusetts 02110  
Tel: (617) 310-6000  
Fax: (617) 310-6001

Dated: October 17, 2006

**CERTIFICATE OF SERVICE**

I, John F. Farraher, Jr., hereby certify that the foregoing document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent, via First-Class Mail, to those indicated as non-registered participants, on this 17<sup>th</sup> day of October, 2006.

/s/ John F. Farraher, Jr.  
John F. Farraher, Jr.